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NEWS RELEASE

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November 21, 2002

Comment Wanted on Proposed Amendment to Rules of District and Family Courts

The Supreme Court of Hawaii seeks public comment about a proposal to add paragraph (f) to Rule 77 to both the District Court Rules of Civil Procedure and the Hawai'i Family Court Rules.

The proposed amendment is a result of a complaint that costs for private process servers are not being allowed by the First Circuit District Court. HRS ' 607-4(d)(Supp. 2001) allows costs to be awarded for service only when the service is made by sheriffs or police officers, but HRS ' 607-1 authorizes the supreme court to add items for which costs are allowed. The following is the proposed addition to the rules:

FEES FOR SERVICE OF PROCESS:

1. New paragraph (f) is added to Rule 77 of the District Court Rules of Civil Procedure as follows:

(f) *Costs awarded by the court.*

In addition to any other costs allowed by statute or rule, the court may award to a prevailing plaintiff, cross-claimant, or third-party plaintiff the actual cost of service of process, whether service is made by a public or private process server, provided the amount shall not exceed the statutory amount(s) allowed for service of process by sheriffs or police officers.

2. New paragraph (f) is added to Rule 77 of the Hawai'i Family Court Rules as follows:

(f) *Costs awarded by the court.*

In addition to any other costs allowed by statute or rule, the court may award to a prevailing plaintiff, cross-claimant, or third-party plaintiff the actual cost of service of process, whether service is made by a public or private process server, provided the amount shall not exceed the statutory amount(s) allowed for service of process by sheriffs or police officers.

Comments about the proposed rule amendment should be submitted in writing no later than February 18, 2003 to the Judiciary Public Affairs Office, 417 South King Street, Honolulu, Hawai'i 96813.

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